IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 21829 of 2004**

Between:

The Women's Indian Association, Rep. by its President Ch. Ramadevi, W/o. Murali Narsimha Rao, Age 49 Years, D.No. 30-7-17, Dhaba Gardens, Visakhapatnam-20

**..... PETITIONER**

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary, Home Department, Secretariat, Hyderabad.
2 The Commissioner of Police, Visakhapatnam.
3 The Station House Officer, II Town Police Station, Visakhapatnam.
4 Smt. Talluri Suguna, W/o. Saidaiah, HIndu, R/o. Plot No. 146/2, M.V.P. Colony, Visakhapatnam.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders or directions or writ more fully one in the nature of Writ of Mandamus declaring the action of the respondents 2 and 3 in interfering with the petitioner Association affairs and entertaining third party false complaints as illegal, arbitrary and consequentially direct the respondents not to interfere with the petitioner Association and Management affairs and not to the disposses the petitioner Association buildings at the instance of the 4th respondent.

**Counsel for the Petitioner:MR.M.L.ALI**

**Counsel for the Respondents 1 to 3: GP FOR HOME**

**Counsel for Respondent No.4 : None**

**The Court at the stage of admission made the following ORDER:**

Petitioner is a Women's Association said to have been established way back in the year 1920. It is rather unfortunate that an Association, which was established with noble objects, is required to face civil and criminal litigations. The petitioner contends that when it faced interference from some individuals and agencies, it filed O.S.No.2542 of 2001 in the Court of Principal Junior Civil Judge, Visakhapatnam for necessary relief. It filed I.A.No.1991 of 2001 for grant of temporary injunction. The trial Court rejected the I.A. through an order dated 16.07.2003 observing that though the petitioner is in possession and enjoyment of the properties concerned, but the proper forum under the A.P. Societies Registration Act is the District Court.

The petitioner alleges that at the instance of the fourth respondent and others, respondents 2 and 3 are indiscriminately registering cases and interfering with the management of the Association. They seek appropriate directions in this regard.

Heard learned counsel for the petitioner and learned Government Pleader for Home appearing for respondents 1 to 3.

Even a perusal of the affidavit discloses the nature of disputes that are existing between the petitioner and the other persons or organizations. The petitioner had already invoked the jurisdiction of the civil Court. The injunction was refused on a technical ground. Meanwhile, complaints were made against the

petitioner and some criminal proceedings are said to have been initiated. It is contended that respondents 2 and 3 are indiscriminately harassing the members of the petitioner Association and directing their arrest.

If any definite complaint is made against the petitioner or its members, the investigation and prosecution of the same can certainly be taken up by respondents 2 and 3. However, there cannot be any justification for requiring the attendance of the petitioner indiscriminately. It is too difficult for this Court to record any finding as to the nature of the treatment said to have been accorded to the members of the petitioner.

Be that as it may, the writ petition is disposed of directing that the members of the petitioner Association shall not be subjected to any harassment nor be directed to appear in the police station except where their presence is inevitable during the course of investigation into a crime, which is already registered. There shall be no order as to costs.

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29.11.2004

ksld

To

1 The Government of Andhra Pradesh, Rep. by its Secretary, Home

Department, Secretariat, Hyderabad.

2 The Commissioner of Police, Visakhapatnam.

3 The Station House Officer, II Town Police Station,
Visakhapatnam.

4 Two CCs. to the Govt. Pleader for Home, High Court of A.P.,

Hyderabad (OUT)

5 Two CD copies.